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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,307	03/07/2007	Tom Kimpe	KIMP3001/JEK	4898

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EXAMINER

ANYIKIRE, CHIKAODILI E

ART UNIT	PAPER NUMBER
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2482

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,307	Applicant(s) KIMPE, TOM	
	Examiner CHIKAODILI E. ANYIKIRE	Art Unit 2482	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 6-16, 18-25 and 29-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 17, 26-28 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application is responsive to application number (10/567307) filed on March 7, 2007. Claims 1-5, 17, 26-28, and 33 are pending and have been examined.

Information Disclosure Statement

2. Acknowledgement is made of applicant's information disclosure statement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 17 rejected under 35 U.S.C. 102(e) as being anticipated by Deaven (US 2006/0294125).

As per **claim 1**, Deaven discloses a method for transmission of images and/or video over bandwidth limited transmission channels having varying available bandwidth between a server and multiple devices, the method comprising the use of a classification algorithm for each of the images and/or video to be provided to a device, for:

decomposing the images and/or video to be transmitted into multiple spatial areas, each area having a specific image type (Figure 3 element 304; paragraph [0036]); detecting the image type of each of those areas separately selecting for each of those areas an image and/or video encoding algorithm having a compression ratio (paragraphs [0036]; and [0040]-[0045]); wherein each of said devices are prioritized, said classification algorithm increasing the compression ratio of the image and/or video encoding algorithms dedicated to a device having lower priority in case of decreasing bandwidth (paragraphs [0040]-[0045]; Deaven discloses changing the coding scheme due to the region selected and the activity of the transmission channel to increase the throughput of a communication channel).

As per **claim 2**, Deaven discloses a method according to claim 1, wherein said prioritizing of the devices is done based on the applications accessed through each of said devices (paragraph [0024]).

As per **claim 3**, Deaven discloses a method according to claim 1, wherein said prioritizing of the devices is done based on the identity of users using said devices (paragraph [0024] lines 3-7).

As per **claim 4**, Deaven discloses a method according to claim 3, wherein said method includes a step of user log-on to one of said devices (paragraph [0024] lines 3-7).

Regarding **claim 17**, arguments analogous to those presented for claim 1 are applicable for claim 17.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Determining the scope and contents of the prior art.
Ascertaining the differences between the prior art and the claims at issue.
Resolving the level of ordinary skill in the pertinent art.
Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 5, 28, and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Deaven (US 2006/0294125) in view of Thro et al (US 6,037,991, hereafter Thro).

As per **claim 5**, Deaven discloses a method according to claim 1.

However, Deaven does not explicitly teach wherein said prioritizing of the devices is done based on location of said devices.

In the same field of endeavor, Thro teaches wherein said prioritizing of the devices is done based on location of said devices (column 4 lines 47 – 52 and 55-60).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify the invention of Deaven in view of Thro. The advantage is a system that provides a way for video information in a communication system that

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permits vital information to be accurately and expediently distributed to users of the communication system (column 1 lines 51-54).

As per **claim 28**, Deaven discloses a method as in claim 1.

However, Deaven does not explicitly teach wherein said method is used in a hospital environment.

In the same field of endeavor, Thro teaches wherein said method is used in a hospital environment (column 1 lines 22-25; Thro discloses using the equipment for public safety users which would include people in a hospital environment).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify the invention of Deaven in view of Thro. The advantage is a system that provides a way for video information in a communication system that permits vital information to be accurately and expediently distributed to users of the communication system (column 1 lines 51-54).

8. Claims 26 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Deaven (US 2006/0294125) in view of Wee et al (US 6,553,150, hereafter Wee).

As per **claim 26**, Deaven discloses a method for transmission of images and/or video over bandwidth limited transmission channels having varying available bandwidth, the method comprising the use of a classification algorithm for decomposing the images and/or video to be transmitted into multiple spatial areas, each area having a specific image type (Figure 3 element 304; paragraph [0036]);

detecting the image type of each of those areas separately selecting for each of those areas an image and/or video encoding algorithm having a compression ratio (paragraphs [0036]; and [0040]-[0045]);

said method further comprising the steps of encoding each of said areas by an image and/or video encoding algorithm; transmitting said encoded images and/or video; decoding each of said areas by an image and/or video encoding algorithm (paragraphs [0040]-[0045]; Deaven discloses changing the coding scheme due to the region selected and the activity of the transmission channel to increase the throughput of a communication channel);

wherein prior to encoding at least one of said area being provided with padding pixels, said padding pixels being replaced by part of one of the other areas during decoding (paragraphs [0040]-[0045]; Deaven discloses changing the coding scheme due to the region selected and the activity of the transmission channel to increase the throughput of a communication channel).

However, Deaven does not explicitly teach wherein prior to encoding at least one of said area being provided with padding pixels, said padding pixels being replaced by part of one of the other areas during decoding.

In the same field of endeavor, Wee teaches wherein prior to encoding at least one of said area being provided with padding pixels, said padding pixels being replaced by part of one of the other areas during decoding (column 15 lines 9 – 36; Wee discloses the overlapping and adjust the boundary of each region so that it may fit appropriately).

Therefore, it would have been for one of ordinary skill in the art at the time of the invention to modify the invention of Deaven in view of Wee. The advantage provides quick compression systems and a system with quick editing ability.

As per **claim 27**, Deaven discloses a method as in claim 26.

However, Deaven does not explicitly teach wherein said padding pixels represent zones where at least two areas overlap.

In the same field of endeavor, Wee teaches wherein said padding pixels represent zones where at least two areas overlap (column 15 lines 9 – 36; Wee discloses the overlapping and adjust the boundary of each region so that it may fit appropriately).

Therefore, it would have been for one of ordinary skill in the art at the time of the invention to modify the invention of Deaven in view of Wee. The advantage provides quick compression systems and a system with quick editing ability.

9. Claim 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Deaven (US 2006/0294125) in view of Wee et al (US 6,553,150, hereafter Wee) in further view of Thro et al (US 6,037,991, hereafter Thro).

As per **claim 33**, Deaven teaches a method as in claim 26.

However, Deaven does not explicitly teach wherein said method is used in a hospital environment.

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In the same field of endeavor, Thro teaches wherein said method is used in a hospital environment (column 1 lines 22-25; Thro discloses using the equipment for public safety users which would include people in a hospital environment).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify the invention of Deaven in view of Thro. The advantage is a system that provides a way for video information in a communication system that permits vital information to be accurately and expediently distributed to users of the communication system (column 1 lines 51-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 - 7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
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/Chikaodili E Anyikire/
Examiner, Art Unit 2482